

APPEAL NO. 031979
FILED SEPTEMBER 2, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 2, 2003. The hearing officer determined that other than a contusion to the right arm, right forearm, right hand, and a wrist sprain, the compensable injury of _____, does not include an injury to the right hand, right wrist, right forearm, right elbow, right bicep, right shoulder consisting of a subacromial pseudospur with supraspinatus tendonitis, neck, and right hand carpal tunnel syndrome. The appellant (claimant) appeals, asserting that the evidence presented at the hearing supported her claim that the compensable injury extended to the named body parts. The respondent (self-insured) responds, urging affirmance of the hearing officer's determination that the injury is limited to the specified contusions and a right wrist sprain.

DECISION

Affirmed, as corrected.

We first note that the hearing officer failed to list Dr. A, as a witness who testified for the claimant. We correct the decision and order by adding his name.

Extent of injury is a factual question for the fact finder to resolve. There were conflicts in the evidence that was presented on this issue, and the hearing officer was not persuaded that the compensable injury extended to the above-named conditions, other than the specified contusions and a right wrist sprain. The evidence supports the hearing officer's factual determinations. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust, and we do not find them to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer, as corrected.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge